HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MISC. APPEAL (C) NO. 20 OF 2007

APPELLANTS

1) Devcharan Yadav, S/o Barjun Yadav, aged about 55 years

2) Shanti Bai, W/o Devcharan Yadav, Aged about 50 years

3) Vijay Yadav, S/o Devcharan Yadav, ;Aged about 22 years

4) Barjun Yadav, S/o Late Devlal Yadav, Aged about 75 years

All residents of Village Junvanikhurd, Post Kheda, Police Chowki - Moro, PS Nandghat, Tehsil Nawagarh, Dist Durg.

Versus

RESPONDENTS

1) Shiv Kumar, S/o Ramsai Jaiswal, R/o Amne, PS Kota, District - Bilaspur (Vehicle Driver)

2) Smt.Tejkaur, Aged about 60 years, Wife of Dilip Singh Dhanwa, Caste - Sikh, R/o Arya Colony, Tifra, District - Bilaspur (CG)

3) The Oriental Insurance Company Limited, In front of High Court, Bilaspur (CG)

Present : Shri Pawan Kesharwani, counsel for the appellants.

None for the respondents.

ORAL ORDER
(Passed on 12th March, 2007)

The following oral order of the Court was passed by **Vijay Kumar Shrivastava, J.**

This appeal under Section 173 of the Motor Vehicle Act 1988 (for short "the Act") has been directed for enhancement of the compensation, against the award dated 13.11.2006 passed by Additional Motor Accident Claims Tribunal, Mungeli, Bilaspur (henceforth "the Tribunal") in Claim Case No.17/2006.

2) On 09.12.2005, Ajay (since deceased) was coming to his house from Village Khera. On the way, respondent No.1 driving truck bearing registration No.CG-04-ZC/8186 (for short "the offending vehicle") in a rash and negligent manner, dashed the deceased, who sustained serious injuries and succumbed to those. Appellants who are legal representatives of the deceased filed an application under Section 166 of the Act for grant of compensation against respondents who are driver, owner and insurer of the offending vehicle.

3) Respondents contested the claim. After enquiry the Tribunal passed an award as below:

a)	loss of dependency	Rs.2,04,000/-
b)	funeral expenses	Rs.3,000/-
c)	treatment and transportation	Rs.5,000/-
d)	love and affection	Rs.8,000/-
	Total award amount	Rs.2,20,000/-

4) Heard learned counsel for the appellants. He contends that the compensation awarded to the appellants is not just and proper.

5) We have gone through the award and perused record of the Tribunal. The Tribunal having considered the evidence adduced by the appellants recorded the finding. It is manifest that no document to establish income of the deceased has been filed or proved by the appellants. However, the Tribunal allowed monthly income of the deceased Rs.2,000/-. Deceased was bachelor and the appellants are parents, brother and grandfather. Therefore, Tribunal after reducing the expenditure incurred by the deceased himself recorded loss of annual dependency Rs.12,000/- Deceased was aged 24 years therefore, Tribunal applied multiplier of 17 and recorded loss of dependency Rs.2,04,000/-. On other heads also Tribunal allowed compensation to the appellants as above. Here, it is not out of place to mention that the Tribunal in according compensation also viewed the matter with sympathy. Compensation awarded by the Tribunal does not appear to be unjust or improper.

6) We are of the considered opinion that the finding of facts recorded by the Tribunal and compensation allowed by it does not suffer from such illegality, which may call for interference by this Court under its appellate jurisdiction. Therefore, the appeal is dismissed *in limine.*

Sd/-
V.K. Shrivastava
Judge

Sd/-
Chief Justice